

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

JANE DOE, et al.

Plaintiffs,

vs.

HOWARD ZUCKER, et al.

Defendants.

Civil Action No.: 1:20 – CV – 0840 (BKS/CFH)

**DECLARATION OF C.M. IN SUPPORT OF
PLAINTIFFS' MOTION FOR A PRELIMINARY
INJUNCTION**

C.M. pursuant to 28 U.S.C. § 1746 declares under penalty of perjury as follows:

1. I am the mother of two medically fragile children who attend school in New York State.
2. I write this declaration in support of the Plaintiffs' motion for a preliminary injunction and as a potential class member in this suit.
3. My husband has a history of severe adverse reaction to immunization, as he became epileptic as a child as a documented adverse vaccine injury.
4. The CDC guidelines state that our girls should be medically exempt from at least the MMR vaccine due to the risk of seizures in the immediate family history.
5. My children had never been vaccinated as a result of the family history and due to our sincere religious beliefs.

DECLARATION OF C.M. IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY
INJUNCTION - 1

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- 3 6. Last fall, after the religious exemption was repealed, we sought a medical exemption
- 4 at least from the MMR and DTaP vaccines, per the ACIP precautions.
- 5 7. We went to our pediatrician and to my husband's original diagnosing neurologist, a
- 6 renowned pediatric neurologist at Columbia Presbyterian who diagnosed my
- 7 husband's condition as having occurred in reaction to his childhood vaccines.
- 8
- 9 8. Our pediatrician acknowledged that the girls were at risk of harm from vaccines but
- 10 said he could not write an exemption because "they will take away my license and I
- 11 will lose my practice."
- 12
- 13 9. The neurologist stated that he could not because "many families had requested them
- 14 recently and he decided he would not write any."
- 15
- 16 10. Neither reason had anything to do with our children's well-being. I don't see why we
- 17 need to risk our children getting a documented reaction that would result in a
- 18 permanent, life-altering disability such as my husband suffers just to satisfy an
- 19 arbitrary quota.
- 20
- 21 11. The CDC guidelines say that herd immunity is achieved at a 95% vaccination rate. Our
- 22 girls were the only two children kicked out of their elementary school after the
- 23 religious exemption was repealed, meaning the school was well-above 95%
- 24 compliant.
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26 DECLARATION OF C.M. IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY
27 INJUNCTION - 2
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3 12. We honestly don't know what to do. We did discuss moving out of state; financially
4 that was a challenge as we had only just purchased our home in December 2018.

5 13. The ordeal has been physically, mentally and emotionally draining, for all of us.

6 14. Our younger daughter fell in to a depression, and she is our kind, happy, joyful child.
7
8 It was all so bad, she didn't want to get out of bed in the morning and "do home-
9 school".

10 15. The older daughter was graduating elementary school, and she missed so many fun
11 activities in what is a very special year at our school. For example, she is not in the
12 class picture of her yearbook; in fact, she's hardly represented at all in the yearbook
13 after spending 5 years at the school. These are stolen memories, and so grossly
14 unfair to a child.
15

16 16. I do feel as if I've been mandated to play "Russian Roulette" with my children's
17 health.
18

19 17. What I can't understand is, when you start with a new doctor, they always do a
20 comprehensive intake starting with your family history, which then builds your health
21 picture and decision making. If your father had a heart condition, you'll be monitored
22 for the same as it's likely you've inherited that condition too. Why doesn't family
23 history guide vaccine decisions?
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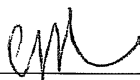
26 DECLARATION OF C.M. IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY
27 INJUNCTION - 3
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3 18. New York's regulations are putting families at risk by intimidating doctors out of
4 making their own clinical determinations.

5 19. I truly believe that these new regulations, including and especially all of the scrutiny
6 and push back against any doctor that writes an exemption, are a tragedy to
7 vulnerable families.
8

9 20. Wherefore, I respectfully ask this Court to grant the relief and let our children remain
10 in school pending the outcome of this case and to stay the regulations that allow school
11 districts to overrule treating physicians or the state to take clinical judgment away
12 from treating doctors.
13

14 RESPECTFULLY SUBMITTED this 16 day of August 2020

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16  _____

17 C.M.
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26 DECLARATION OF C.M. IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY
27 INJUNCTION - 4
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